

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 07/09/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 04/30/2001.

TITLE: Coast Pilot Report

AGENCY FORM NUMBER(S): FORM-77-6

ACTION : APPROVED

OMB NO.: 0648-0007

EXPIRATION DATE: 07/31/2004

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	100	50	0
New	100	50	0
Difference	0	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by ____ / ____ / ____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: ____ / ____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature <i>John Oliver</i> John Oliver Chief Financial Officer/Chief Administrative Officer	Date 4/16/01
Signature of NOAA Clearance Officer	
Signature <i>Richard Roberts</i> Richard Roberts	Date 4/17/01

**SUPPORTING STATEMENT
COAST PILOT REPORT FORM
NOAA FORM 77-6
OMB CONTROL NO. 0648-0007**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Data obtained through the use of this report form is utilized to update the United States Coast Pilot and to analyze the quality of the information shown on National Ocean Service (NOS) nautical charts.

The U.S. Coast Pilot is a series of nine nautical books, 300 to 500 pages each, published by the National Ocean Service to supplement nautical charts. The Coast Pilot contains essential marine information important to navigators of United States coastal and intracoastal waters that cannot be shown graphically on the charts and is not readily available elsewhere. Subjects include, but are not limited to, channel descriptions, anchorages, bridge and cable clearances, currents, tide and water levels, prominent features, pilotage, towage, weather, ice conditions, wharf descriptions dangers, routes, traffic separation schemes small-craft, facilities, and Federal regulations applicable to navigation. These publications are purchased by all sectors of the marine public including U.S. and foreign merchant marine vessels, state, local, and private maritime associations, and recreational boaters. Distribution is also made to U.S. Navy and U. S. Coast Guard vessels, and other Government vessels and agencies. This publication is required by Federal Regulations (33 CFR 164.33) to be carried on board all vessels of 1,600 gross tons and greater, while traversing U.S. waters.

Information contained in the Coast Pilot is continually changing. Every effort is made to keep the information current. Sources of information include, but are not limited to the following: pilot associations, shipping companies, towboat operators, state marine authorities, city marine authorities, local port authorities, marina operators, hydrographic survey ships, naval vessels, U. S. Coast Guard cutters, merchant vessels, fishing boats, pleasure boats, U.S. Power Squadrons units, and U.S. Coast Guard Auxiliary units. The purpose of the Coast Pilot Report form is to offer a formal, standardized instrument for recommending changes to the Coast Pilot and nautical charts. Without the availability of the report form, much of this important information would not be reported. The report form is made available to users as "tear out" pages in the back of each Coast Pilot volume.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

When a user of the Coast Pilot notices information in the book is missing or has changed, he/she tears out the NOAA Form 77-6 (or photocopies it), fills in the information, and sends it to the address on the form, faxes it to the phone number on the form, or emails the information to the address on the form.

When the completed form is received by the Coast Pilot Branch (CPB), the information is evaluated by a staff member of the Nautical Data Branch (NDB). NDB ascertains that the information is germane and if so, that it is complete. If the information requires clarification, NDB will contact the respondent, by letter, telephone, or fax for more information. Once complete, the form is assigned a control number, and routed to CPB. Branch personnel then updates the Coast Pilot master files. If the change is critical to safe navigation, CPB issues a change for publication in the Coast Guard's Local Notice to Mariners and the National Imagery and Mapping Agency's (NIMA) Weekly Notice to Mariners.

If the change also affects a nautical chart, the form will also be routed to the appropriate chart production branch.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology, and the basis for adopting this means of collection.

The information may be faxed or emailed to NDB or CPB, but it is not required. The majority of forms are still submitted by mail. A paper form is still considered the best means of collecting this information since observers at sea rarely have access to electronic techniques for recording and transmitting the desired information.

4. Describe efforts to identify duplication with other collections which may be gathering the same or similar information.

There are no other formal means of soliciting this information.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The use of this form is voluntary and has no significant impact on small businesses, organizations or government entities. No remuneration of any kind is provided to respondents. The form contains no questions of a sensitive nature. The form requires no records to be kept by the respondent. The only cost to the respondent is for envelope and postage (voluntary), but the report can be faxed, or the information can be sent by email.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Critical information might not be brought to CPB's attention, or the information might be incomplete. This could result in a maritime accident with possible loss of life or harm to the environment.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no known circumstances which would require the collection of this information would be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Specifically address comments received on the estimated cost and hour burden.

The PRA Federal Register notice that solicited public comments on the information collection is attached; no comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No remuneration of any kind is provided to respondents.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

No confidentiality is offered to respondents, other than the fact that individual data providers are not identified in the Coast Pilot volumes.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions on the form that are of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

CPB estimates an average of 30 minutes to answer the form. CPB expects to receive about 100 forms annually. Thus, total estimated burden to the public is about 50 hours annually.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

Assuming each form is submitted by mail, it would cost the respondent \$ 0.40 per response (if sent domestically, more if sent through a foreign postal system. No record-keeping is required by the respondents. The average annual cost per respondent is \$ 0.40. The total burden annually is approximately \$50.

14. Provide estimates of annualized cost to the Federal government.

Printing costs are almost nil. The forms are inserted in the back of each volume and occupy pages that would otherwise be blank (printed “signatures” that make up a printed book are approximately eight pages each. If the book’s text doesn’t fill up the last signature, the pages are usually left blank). The cost of processing the forms once received is approximately \$2,500 annually, consisting mainly of employee wages and benefits.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

N/A.

16. For collections whose results will be published, outline the plans for tabulation and publication.

N/A.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

N/A.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

NOAA Form 77-6
(Rev 06/98)U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**COAST PILOT REPORT****SUBMIT TO:**NATIONAL OCEAN SERVICE, NOAA (N/CS261)
1315 EAST-WEST HIGHWAY, STATION 7350
SILVER SPRING, MD 20910-3282
FAX: 301-713-4516
INTERNET: Lynn.Preston@noaa.gov

This record of your experience and observations when traversing the coast, entering port, and/or navigating inside waters will be used to update the Coast Pilot.

OBSERVER: NAME AND ADDRESS**DATE OF OBSERVATION** _____**DATE OF SUBMISSION** _____**VESSEL NAME AND ADDRESS** _____**TEL. (daytime)** _____**FAX** _____**GEOGRAPHIC LOCATION***(Refer to charted objects by distance and bearing and/or include latitude/longitude, as applicable)***CHART NUMBER****COAST PILOT NUMBER and EDITION NUMBER****CHANGES TO EXISTING COAST PILOT TEXT**

Give recommended revised language for the book. Identify affected text by page, paragraph(s), and line number(s). State the source of the information if other than personal observation.

(Continue on plain paper)

REQUEST FOR SURVEYS OR CHART CHANGE

List area for which surveys and/or changes in chart format, scale, or layout are needed. Include the name and geographic position of the area, the chart number of the largest scale chart that covers the area, and the reason for the request.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

(Continue on plain paper)

ADDITIONAL INFORMATION FOR THE COAST PILOT

We are particularly interested in information about unusually strong currents; prominent landmarks; objects which provide particularly good radar return; sheltered anchorages (be explicit on direction of weather and type of bottom observed); drawbridge operation changes (e.g., drawbridge remains permanently in open position); changes in pilot pick-up points; changes in radio frequencies monitored by pilots, marine exchanges, harbor masters, or drawbridges.

[illegible]

(Continue on plain paper)

This information is required as part of NOAA's function to maintain marine nautical charts. The information obtained will be used to update the Coast Pilot. Your response is voluntary and will be a matter of public record. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the National Ocean Service (N/CS26), 1315 East-West Highway, Silver Spring, MD 20910-3282. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Sec. 883a. Surveys and other activities

To provide charts and related information for the safe navigation of marine and air commerce, and to provide basic data for engineering and scientific purposes and for other commercial and industrial needs, the Secretary of Commerce, is authorized to conduct the following activities:

- (1) Hydrographic and topographic surveys;
- (2) Tide and current observations;
- (3) Geodetic-control surveys;
- (4) Field surveys for aeronautical charts;
- (5) Geomagnetic, seismological, gravity, and related geophysical measurements and investigations, and observations for the determination of variation in latitude and longitude.

Sec. 883b. Dissemination of data; further activities

In order that full public benefit may be derived from the operations of the National Ocean Survey by the dissemination of data resulting from the activities herein authorized and of related data from other sources, the Secretary of Commerce is authorized to conduct the following activities:

- (1) Analysis and prediction of tide and current data;
- (2) Processing and publication of data, information, compilations, and reports;
- (3) Compilation and printing of aeronautical charts of the United States, its Territories, and possessions; and, in addition, the compilation and printing of such aeronautical charts covering international airways as are required primarily by United States Civil aviation;
- (4) Compilation and printing of nautical charts of the United States, its Territories, and possessions;
- (5) Distribution of aeronautical charts and related navigational publications required by United States civil aviation;
- (6) Distribution of nautical charts and related navigational publications for the United States, its Territories, and possessions.

effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 19, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington, DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Vicki Cornish or Margaret Toner, NMFS, F/ST1, 1315 East-West Highway, Silver Spring, MD 20910 (phone 301-713-2328, ext. 163).

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA Fisheries hosted two observer workshops, in 1998 and 2000, which brought together managers and scientists from the United States, Canada and other countries to share ideas and resolve key issues of common interest regarding fishery observer programs. In 2002, NOAA Fisheries will be hosting another observer workshop. The purpose of the collection is to gather information from participants in the previous workshops and from new potential participants in order to plan the format and content for the next observer workshop such that it will provide the greatest benefit to the performance of the NOAA Fisheries observer program.

II. Method of Collection

The information will be collected by having a survey form available on a NOAA web site.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, local, or tribal government; business and other for-profit organizations; not-for-profit institutions, individuals.

Estimated Number of Respondents: 350 (every two years).

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 44.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 9, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01-1371 Filed 1-16-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011001E]

Coast Pilot Report

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed information collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 19, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Oren Stembel, N/CS51, Room 7532, 1315 East-West Highway, Silver Spring, MD 20910-3282 (phone 301-713-2750, ext. 204; e-mail Oren.Stembel@noaa.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA produces the U.S. Coast Pilot, a series of nine books that supplement marine nautical charts. The Coast Pilot contains information essential to navigators in U.S. coastal and intra-coastal waters but that cannot be shown graphically on charts. The Coast Pilot Report form is offered to the public as a means for recommending changes to the publication.

II. Method of Collection

A paper form is used.

III. Data

OMB Number: 0648-0007.

Form Number: NOAA Form 77-6.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 100.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 50.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 9, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01-1374 Filed 1-16-01; 8:45 am]

BILLING CODE 3510-JT-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010901C]

Marine Mammals: Draft Environmental Assessment on Allocating Gray Whales to the Makah Tribe for the years 2001 and 2002

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability and request for comments.

SUMMARY: NMFS announces the availability of a Draft Environmental Assessment (EA) that examines the environmental consequences of issuing the International Whaling Commission (IWC) quota for gray whales to the Makah Tribe for the years 2001 and 2002. NMFS has not identified a preferred alternative in this draft EA and is soliciting comments on the draft EA. The Draft EA considers four alternatives regarding the issuance of the IWC quota to the Makah Tribe.

DATES: Comments on the EA must be received by February 16, 2001. A public hearing on this draft EA will be held in Seattle, WA on Thursday, February 1, 2001, at 6:00 p.m. The public hearing will be held at the Sand Point Magnuson Park Auditorium, 74th Street Entrance, 7400 Sand Point Way NE, Seattle, Washington.

ADDRESSES: Comments on the draft EA should be addressed to Cathy E. Campbell, NOAA/NMFS, Office of Protected Resources, 13th Floor, 1315 East-West Hwy, Silver Spring, MD 20910. Mark the outside of the envelope with "Comments on Makah EA." Comments received over the Internet or by electronic mail will not be accepted. Copies of the EA and directions to the public hearing may be obtained over the internet at <http://www.nmfs.noaa.gov/prot-res/prot-res.html> under "New Arrivals".

FOR FURTHER INFORMATION CONTACT: Cathy Campbell, 301-713-2322.

SUPPLEMENTARY INFORMATION: Prior to the 1997 Annual International Whaling Commission (IWC) Meeting, NMFS formally analyzed the environmental

impacts of a decision to support or not support whaling, and to determine whether an annual subsistence quota of up to five Eastern Pacific gray whales would significantly affect the quality of the human environment. A draft EA was distributed for public comment on August 22, 1997. After reviewing and addressing the comments received, NMFS issued a final EA and Finding of No Significant Impact on October 17, 1997.

At its 1997 annual meeting, the IWC approved a quota of 620 gray whales for an aboriginal subsistence harvest during the years 1998 through 2002. The basis for the quota was a joint request by the Russian Federation (for a total of 600 whales) and the United States (for a total of 20 whales). In 1998 and 1999, NOAA granted an allocation of up to five whales a year to the Makah Indian Tribe, whose subsistence and ceremonial needs had been the foundation of the U.S. request to the IWC.

U.S. Congressman Jack Metcalf, Breach Marine Protection, and several other plaintiffs brought a lawsuit, *Metcalf v. Daley*, in October 1997, alleging that the U.S. Government had violated the National Environmental Policy Act (NEPA), the Whaling Convention Act, and other statutes. In September 1998, the U.S. District Court for the Western District of Washington ruled in favor of the U.S. Government on all issues.

On June 9, 2000, the Ninth Circuit Court of Appeals overturned one aspect of that decision, ruling that the 1997 EA should have been completed before the U.S. and the Makah Tribe entered into a cooperative agreement. That agreement had provided that, if the Tribe prepared an adequate needs statement documenting a cultural and subsistence need to harvest gray whales, NOAA would request a quota of gray whales from the IWC. Two judges on a three-judge panel held that the timing of the EA, which was completed after the 1996 agreement was signed and before the 1997 annual meeting of the IWC, may have predisposed the preparers to find that the whaling proposal would not significantly affect the environment. The Court ordered NOAA to set aside that finding and comply with NEPA under circumstances that would ensure an objective evaluation of the environmental consequences of the gray whale harvest.

Following the Court action, NOAA rescinded its cooperative agreement with the Makah Tribe on August 11, 2000. NOAA subsequently set the gray whale quota for 2000 at zero (65 FR

75186, December 1, 2000), pending completion of its NEPA analysis.

The National Environmental Policy Act (NEPA) requires that federal agencies conduct an environmental analysis of their actions to determine if the actions may affect the environment. Accordingly, NMFS prepared a draft EA that explores the environmental consequences of four alternatives: (1) Granting the Makah Tribe the IWC quota with restrictions to target the hunt on migrating whales (similar to the 1999 regime); (2) Granting the Makah Tribe the IWC quota with restrictions that would allow a limited hunt on the gray whale summer feeding aggregation; (3) Granting the Makah Tribe the IWC quota without time-area restrictions; and (4) (No Action) - not granting the Makah Tribe the IWC quota.

The draft EA was prepared in accordance with NEPA and implementing regulations at 40 CFR parts 1500 through 1508 and NOAA guidelines concerning implementation of NEPA found in NOAA Administrative Order 216-6.

NMFS is soliciting public comments on this draft EA. Oral and written comments may be presented at the public hearing [see **DATES** and **ADDRESSES**]. Written comments on the draft EA may also be sent to the previously listed address by February 16, 2001. Further details or a copy of the EA can be obtained from the internet address above [see **ADDRESSES**].

Special Accommodations

The public hearing will be physically accessible to those with disabilities. Requests for sign language interpretation or other aids should be directed to C. Campbell at least 10 days prior to the hearing date (see **ADDRESSES**).

Dated: January 10, 2001.

Wanda L. Cain,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01-1354 Filed 1-11-01; 3:33 pm]

BILLING CODE: 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 120400B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic, Caribbean, and Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and